

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for Approval of)
Arrangement to Mitigate Impact of) DOCKET NO. 150075-EI
Unfavorable Cedar Bay Power Purchase)
Obligation, by Florida Power &) FILED: June 29, 2015
Light Company.)

REDACTED

**CEDAR BAY GENERATING COMPANY'S
TENTH REQUEST FOR CONFIDENTIAL CLASSIFICATION**

Cedar Bay Generating Company, Limited Partnership ("Cedar Bay"), by and through undersigned counsel, and pursuant to Rule 25-22.006, Florida Administrative Code ("F.A.C."), and Section 366.093, Florida Statutes ("F.S."), hereby requests confidential classification for certain deposition exhibits to the depositions of Tracy Patterson, Charles Richard Neff, Stephen Mark Rudolph, and Clifford Evans. On June 8, 2015, Florida Industrial Power Users Group ("FIPUG") filed a Notice of Intent to Use the Depositions of Clifford D. Evans and Mark Rudolph as Pre-Filed Testimony and to Use Select Exhibits. FIPUG specifically listed Deposition Exhibit Nos. 1, 5, 6, 15, 17, 18, 21, 22, 24, 25, 26, 29, 30, 31, 33, 38 and 39 ("FIPUG's Selected Deposition Exhibits"). Please note that on June 24, 2015, Cedar Bay filed

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COM _____ its Seventh Request for Confidential Classification which
AFD _____ included a blanket request for confidential treatment of all 38
APA _____ exhibits to the depositions of Mr. Patterson, Mr. Neff, Mr.
ECO _____ Rudolph, and Mr. Evans, including all of FIPUG's Selected
ENG (HCD) _____
GCL (HCD) _____
IDM _____ Deposition Exhibits. This Tenth Request for Confidential
TEL _____
CLK _____

Classification identifies and requests confidential classification for specified information contained in FIPUG's selected Deposition Exhibits and is intended to supersede the blanket request for confidential treatment with respect to Deposition Exhibit Nos. 1, 5, 6, 15, 17, 18, 21, 22, 24, 25, 26, 29, 30, 31, 33, 38 and 39. In support of its request, Cedar Bay states as follows:

1. On June 8, 2015, Cedar Bay filed its Tenth Notice of Intent to Request Confidential Classification related to FIPUG's Selected Deposition Exhibits. Accordingly, pursuant to Rule 25-22.006(3), F.A.C., this request is timely.

2. The following exhibits are included and made a part of this request:

- a. Exhibit A is a CD containing FIPUG's selected Deposition Exhibits on which all information for which Cedar Bay is requesting confidential treatment is highlighted. Exhibit A is submitted separately in a sealed envelope marked "CONFIDENTIAL."
- b. Exhibit B consists of two CDs containing FIPUG's Selected Deposition Exhibits on which all information for which Cedar Bay is seeking confidential treatment has been redacted.

- c. Exhibit C is a table that identifies the specific statutory bases for the claim of confidentiality.
- d. Exhibit D is the affidavit of Jacob A. Pollack, Vice President and Secretary of Cedar Bay.

3. Section 366.093(1), F.S., provides that "Upon request of the public utility or other person, any records received by the Commission which are shown to be proprietary confidential business information shall be kept confidential and shall be exempt from s. 119.07(1)." Section 366.093(3), F.S., defines proprietary confidential business information to mean information that is (i) intended to be and is treated as private confidential information by the company, (ii) because disclosure of the information would cause harm, (iii) to the company's business operation, and (iv) the information has not been voluntarily disclosed to the public. Additionally, section 366.093(3)(e) defines as proprietary confidential business information "information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information."

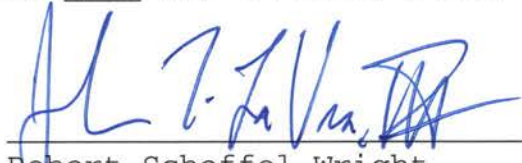
4. Cedar Bay is requesting confidential classification of FIPUG's Selected Deposition Exhibits because FIPUG's Selected Deposition Exhibits contain Cedar Bay's proprietary, confidential, and competitively sensitive business information, including information concerning internal business plans,

projected capital expenditures, confidential contractual negotiations, contractual arrangements, internal budget projections, financial forecasts, plant operations, and other competitively sensitive commercial information, the disclosure of which would harm or otherwise adversely impact Cedar Bay's and/or its affiliates' competitive business interests. Cedar Bay has treated the information contained in FIPUG's Selected Deposition Exhibits as confidential and Cedar Bay has not voluntarily disclosed the information contained in FIPUG's Selected Deposition Exhibits to the public.

5. Upon a finding by the Commission that the material in Exhibit A for which Cedar Bay seeks confidential treatment is proprietary confidential business information within the meaning of Section 366.093(3), F.S., such information should not be declassified for a period of at least eighteen (18) months. Additionally, the material provided should be returned to Cedar Bay as soon as the information is no longer necessary for the Commission to conduct its business, pursuant to Section 366.093(4), F.S.

WHEREFORE, for the above and foregoing reasons, as more fully set forth in the supporting materials and affidavit included herewith, Cedar Bay Generating Company, Limited Partnership respectfully requests that its Tenth Request for Confidential Classification be granted.

Respectfully submitted this 29th day of June, 2015.

A handwritten signature in blue ink, appearing to read "R. Scheffel Wright", is written over a horizontal line.

Robert Scheffel Wright
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Attorneys for Cedar Bay
Generating Company, Limited
Partnership

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was furnished to the following, by electronic delivery, on this 29th day of June, 2015.

Martha Barrera
Florida Public Service Commission
Division of Legal Services
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399

Jon C. Moyle, Jr./Karen Putnal
Moyle Law Firm, P.A.
118 North Gadsden Street
Tallahassee, Florida 32301

Mr. Ken Hoffman
Florida Power & Light Company
215 South Monroe Street, Suite 810
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J.R. Kelly / John J. Truitt
Office of the Public Counsel
c/o The Florida Legislature
111 W. Madison Street
Room 812
Tallahassee, FL 32399-1400

John T. Butler / Maria J. Moncada
Florida Power & Light Company
700 Universe Boulevard
Juno Beach, FL 33408



Attorney

EXHIBIT B

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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Two copies of the redacted version of
FIPUG's Selected Deposition Exhibits
are included on the attached CDs.

PSC DOCKET 150075-EI

CEDAR BAY GENERATING COMPANY'S
TENTH REQUEST FOR CONFIDENTIAL
CLASSIFICATION

EXHIBIT B - REDACTED

EXHIBIT C

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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<u>Document</u> (Deposition Exhibits)	<u>Pages</u>	<u>Justification</u>
No. 1 - Operations Summary - April 2013	Parts of Page 1	§ 366.093(3)(e), Fla. Stat.
No. 5 - 2014 Cogentrix business objectives	Pages 2 - 12	§ 366.093(3)(e), Fla. Stat.
No. 6 - e-mail string, beginning 8-14-14	Part of Page 1	§ 366.093(3)(e), Fla. Stat.
	Pages 2-6	§ 366.093(3)(e), Fla. Stat.
No. 15 - Notification to Cedar Bay Employees	Part of Page 1	§ 366.093(3)(e), Fla. Stat.
	Page 2	§ 366.093(3)(e), Fla. Stat.
No. 17 - 8-9-13 Cogentrix Memo	Part of Page 1	§ 366.093(3)(e), Fla. Stat.
	Pages 2-3	§ 366.093(3)(e), Fla. Stat.
No. 18 - Duff & Phelps Report	Pages 2 - 123	§ 366.093(3)(e), Fla. Stat.
No. 21 - CBGC, LP financial statements December 31, 2014 and 2013	Pages 2 - 18	§ 366.093(3)(e), Fla. Stat.

No. 22 - GBGC, LP 3-20-13 presentation to lenders	Pages 2-44	§ 366.093(3)(e), Fla. Stat.
	(Except "Confidential" In Headers and Footers and Bates Stamp Numbers)	
No. 24 - 11-26-13 e-mail string	Part of Pages 1 - 2	§ 366.093(3)(e), Fla. Stat.
	Pages 3 - 4	§ 366.093(3)(e), Fla. Stat.
No. 25 - 10-15-14 e-mail string	Part of Pages 1 - 2	§ 366.093(3)(e), Fla. Stat.
No. 26 - 5-30-14 e-mail	Part of Page 1	§ 366.093(3)(e), Fla. Stat.
No. 29 - 1 6-15 e-mail	Parts of Page 1	§ 366.093(3)(e), Fla. Stat.
No. 30 - 10-20-14 e-mail	Parts of Page 1	§ 366.093(3)(e), Fla. Stat.
No. 31 - 8-17-14 e-mail	Parts of Page 1	§ 366.093(3)(e), Fla. Stat.
No. 33 - CB Ownership structure	Parts of Page 1	§ 366.093(3)(e), Fla. Stat.
No. 37 - 3-24-14 e-mail	Parts of Page 1	§ 366.093(3)(e), Fla. Stat.
No. 38 - 3-24-14 Carlyle Group letter	Parts of Pages 1 - 4	§ 366.093(3)(e), Fla. Stat.

EXHIBIT D

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**AFFIDAVIT OF JACOB A. POLLACK IN SUPPORT OF
CEDAR BAY GENERATING COMPANY'S
TENTH REQUEST FOR CONFIDENTIAL CLASSIFICATION**

STATE OF NEW YORK

COUNTY OF NEW YORK

BEFORE ME, the undersigned authority duly authorized to administer oaths, personally appeared Jacob A. Pollack, who being first duly sworn, on oath deposes and says that:

1. My name is Jacob A. Pollack. I am over the age of 18 years old and I have been authorized by Cedar Bay Generating Company, Limited Partnership ("Cedar Bay") to give this affidavit in the above-styled proceeding on Cedar Bay's behalf and in support of Cedar Bay's Tenth Request for Confidential Classification. I have personal knowledge of the matters stated in this affidavit.

2. I am Vice President and Secretary for Cedar Bay. I am also Senior Vice President and General Counsel for Cogentrix Energy Power Management, LLC ("CEPM"), which (1) is an affiliate of Cedar Bay, and (2) employs the individuals who have been

deposed in connection with the above-styled proceeding. My business address is 9405 Arrowpoint Boulevard, Charlotte, North Carolina 28273. I am responsible for all legal, corporate governance, and corporate records matters for Cedar Bay and CEPM.

3. Cedar Bay is seeking confidential classification for exhibits No. 1, 5, 6, 15, 17, 18, 21, 22, 24, 25, 26 29, 30, 31, 33, 37, and 38 to the depositions of Tracy Patterson, Rick Neff, Mark Rudolph, and Cliff Evans, as more specifically identified in Exhibits A and C of Cedar Bay's Tenth Request for Confidential Classification.

4. Cedar Bay is requesting confidential classification of this information because it is competitively sensitive confidential business information, in that it contains information concerning internal business plans, projected capital expenditures, confidential contractual negotiations, contractual arrangements, internal budget projections, financial forecasts, plant operations, and other competitively sensitive commercial information. The disclosure of this information to third parties would adversely impact Cedar Bay's and/or its affiliates' competitive business interests and otherwise harm Cedar Bay and/or its affiliates.

5. The information identified in Exhibit A and Exhibit C is intended to be and is treated as confidential by Cedar Bay and has not been disclosed to the public.

6. This concludes my affidavit.

Jacob A. Pollack

Jacob A. Pollack
Vice President and Secretary
Cedar Bay Generating Company, LP
9405 Arrowpoint Boulevard
Charlotte, North Carolina 28273

SWORN TO AND SUBSCRIBED before me this 29th day of June 2015
2015, by Jacob A. Pollack who is personally known to me or who
has produced Drivers License (type of
identification) as identification and who did take an oath.

Dawn L. Requena

Notary Public, State of ~~North Carolina~~
new York

My Commission Expires:

New York
COUNTY OF New York

Sworn and subscribed before me this 29th day of June, 2015
by Jacob A. Pollack

Dawn L. Requena
Notary

DAWN L. REQUENA
Notary Public - State of New York
No. 01RE6270218
Qualified in New York County
My Commission Expires October 15, 2016